

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE MAY 14, 2020
REGULAR MEETING
CONDUCTED VIA INTERNET AND CONFERENCE CALL**

BOARD MEMBERS PRESENT:

Gary H. Stone, Chairman
Dr. Leigh Shemitz, Member
Ashley A. Ley, Member
Laura Tessier, Member
David J. Kozlowski, Alternate Member
Thomas C. Romas, Alternate Member

MEMBERS NOT PRESENT:

Stephen J. Schneider, Alternate Member

STAFF PRESENT:

Richard Talamelli, Executive Director/Environmental Planner
Lindsay Tomaszewski, Environmental Analyst

The meeting was called to order by Mr. Stone at 7:30 PM. Seated for the meeting were Mr. Stone, Dr. Shemitz, Ms. Ley, Ms. Tessier, and Mr. Romas.

MINUTES:

Minutes of the EPB Regular Meeting of April 16, 2020

The Board considered the minutes of the April 16, 2020 Regular Meeting. Members present and eligible to vote were Mr. Stone, Dr. Shemitz, Ms. Ley, Ms. Tessier, Mr. Kozlowski, and Mr. Romas. No comments or modifications were recommended.

Motion/Vote: Upon a motion by Ms. Ley and seconded by Mr. Romas, the Board voted to **APPROVE** the Minutes of the April 16, 2020 Regular Meeting as presented.

In Favor: Stone, Shemitz, Ley, Tessier and Romas
Opposed: None
Abstaining: None
Not Voting: Kozlowski

APPLICATIONS AND PERMITS:

Acceptances/Extensions/Withdrawals:

#1925 – 35 Bird Song Lane – Lot 4 - City of Stamford Engineering Bureau for G. Moore – Bird Song Lane Roadway and Drainage Improvements: To implement certain roadway and drainage

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improvements in and proximate to wetlands situated in the non-drinking water supply watershed of Poorhouse Brook. The activities lie within both a portion of Bird Song Lane and a proposed drainage easement on property situated at 35 Bird Song Lane, Lot 4, List 000-6588, Card N-022Z, Map 44, Block 386, Zone RA-2, and ± 1.025 Acres.

Reference is made to EPB Staff Memo, dated May 12, 2020.

#1926 – 39 Lisa Lane – Parcel H – Fairfield County Engineering, LLC., for S. Grosso: To construct a detached garage, drive, drainage, and other related features proximate to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River. The property lies along the west side of Lisa Lane, just north of South Lake Drive and is identified as Parcel “H”, Card W-001, Account 000-5383, Map 13, Block 400, Zone RA-2, and ± 2.346 Acres.

Reference is made to an EPB Staff Memo, dated May 5, 2020.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from Frank Vonella, P.E., City of Stamford, Engineering Bureau, dated April 30, 2020 and Wayne D’Avanzo, P.E., Fairfield County Engineering, dated May 2, 2020 withdrawing EPB Applications No. 1925 and 1926 from further consideration.

Motion/Vote: None

#2020-04 – 121 White Oak Lane – Lot 2 - Candide Contractor, LLC for M. and J. Capogrossi – To maintenance dredge a pond situated in the non-drinking water supply watershed of Springdale Brook. The property lies along the cul-de-sac, approximately 1480 feet east of Newfield Avenue, and is identified as Lot 2, Card N-10Z, Account 000-2965, Map 60, Block 380, Zone RA-1, and ± 1.0005 Acres.

Reference is made to EPB Staff Memo, dated May 8, 2020.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from Elizabeth Merrihew, Candide Contractor, LLC., dated May 8, 2020 granting the Board and extension of the decision deadline for EPB Permit Application 2020-04. An extension has been sought to allow for the development of necessary information. A final decision on the application shall be made on or about July 24, 2020.

Motion/Vote: None

#2020-10 – 45 Barn Hill Road – Lot 2B – W. Warner & C. Tso: To renovate an in-ground pool, patio, add a spa, shed, landscaping, expand driveway, relocate pool equipment and fencing proximate to wetlands and a watercourse on property situated within the drinking water supply

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watershed of the Mianus River. The property is situated along the south side of Barn Hill Road, approximately 155 feet east of the Barn Hill Road and East Middle Patent Road intersection, and is identified as Lot 2B, Account 000-9678, Card S-002, Map 30, Block 400, Zone RA-3, and is +2.98 Acres.

Reference is made to an EPB Staff Memo, dated May 11, 2020.

#2020-11 – 8 Rock Rimmon Drive – Lot 1 - A. Menon and A. Menon: To reconstruct and expand a wood deck and related features proximate to wetlands and watercourses situated in the non-drinking water supply of Haviland Brook. The property lies along the south side of Rock Rimmon Drive, just west of Rock Rimmon Road, and is identified as Lot 1, Account 001-6310, Card W-001, Block 391, Map 34, Zone RA-1 and +43,583 square feet.

Reference is made to an EPB Staff Agenda Summary Report, dated May 8, 2020.

#2020-12 – 162 Thunder Hill Drive – Lot 13 - J. Welch and L. Welch: To construct a fence in or within close proximity to wetlands, watercourses, and special flood hazard areas in the drinking water supply watershed of the Mianus River. The subject property lies along the north side of Thunder Hill Drive, approximately 2,650 feet west of Riverbank Road, and is identified as Lot 13, Account 001-4841, Card N-009, Block 373, Map 80, Zone RA-1 and +1.02 Acres.

Reference is made to an EPB Staff Memo, dated May 12, 2020.

In Attendance: None

Discussion: Mr. Stone acknowledged Mr. Stone acknowledged the receipt of the minimum information necessary to accept EPB Permit Application Nos. 2020-10, 2020-11, and 2020-12.

Motion/Vote: Upon a motion by Ms. Tessier, and seconded by Dr. Shemtiz, the Board voted to **ACCEPT** EPB Permit Applications No. 2020-10, 2020-11 and 2020-12.

In Favor: Stone, Shemtiz, Ley, Tessier, and Romas
Opposed: None
Abstaining: None
Not Voting: Kozlowski

Action Items:

#2020-05 – 11 Hedge Brook Lane – Lot 21 – Fairfield County Engineering for T. Sterling: To install a sports court, expand a patio, and install drainage and other related features within the base floodplain and proximate to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River (East Branch). The property lies along the west side of Hedge Brook Lane, just south of Riverbank Road, and is identified as Lot 21, Account 002-8976, Card W-001, Map 32, Block 398, Zone RA-1, and +1.001 Acres.

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Reference is made to an EPB Staff Agenda Summary Report, dated April 7, 2020.

In Attendance: Wayne D'Avanzo, P.E., Fairfield County Engineering.
Aleksandra Moch
Howard Sterling

Discussion: Mr. Talamelli summarized the application for the Board. He reported that the applicant seeks the Board's permission to install an asphalt sports court (45'x45'), expand a patio, and install drainage and other related features within the base floodplain and proximate to wetlands and watercourses associated with the Mianus River. Mr. Talamelli reminded the Members that the application was the subject of extensive discussion at the Board's April 2020 Meeting. Action had been deferred to provide Members the opportunity to study the submitted plans/reports, and the applicant to better address concerns relating to the substantial increase in development/imperviousness in the flooded space adjoining the river, and possible alternative locations/design practices to minimize the encroachment, reduce imperviousness, and limit the potential for impact. Mr. Talamelli further reminded the Members that the Board was in receipt of correspondence from William Langley, an abutting property owner, who had expressed concerns about the potential negative effects the project may have drainage, flooding and resources.

Mr. Talamelli then offered a brief summary of the application for the Board. The property, which lies along the west side of Hedge Brook Lane, currently supports an existing single-family dwelling, drive, walkways, drainage, in-ground pool, patio, fences, septic, water service, and other related facilities. The site is characterized by the presence of gently sloping urban lands, a 140 foot reach of the Mianus River (East Branch), narrow wetland fringe, special flood hazard areas, and a collection of small to moderately sized trees. Much of the river bank in this area has been historically altered, bordered by long lengths of stone wall and manicured surfaces. Nearly the entire parcel is affected by the base flood. Mr. Talamelli noted that given the resources, the applicant is required to demonstrate that the project minimizes potential resource impacts, mitigates adverse drainage impacts, preserves and enhances water quality, addresses applicable flood rise and storage impact standards, ensures consistency with the structural requirements of the "Flood Prone Area Regulations," and employs measures to mitigate impacts and/or enhance the overall conservation values of the property.

Mr. Talamelli reported that although approximately 7,735 square feet of both the floodplain and upland review area shall be effected, there are no direct wetland or watercourse impacts proposed. Overall grade change is minimal with the anticipated cuts/fills not expected to exceed two (2) feet. Outward limits of the development ranges from 14-25 feet from the walls that define the south/east bank of the river. Two (2) additional trees of size will be lost as result of this development.

The project engineer submitted a report assessing the project's anticipated impact on drainage and adjoining properties. Construction of the sports court, patio and other features results in an increase in total site imperviousness by 2,745 square feet. To mitigate the anticipated increase in runoff, the applicant proposed to install a structured drainage system consisting of area drains, pipes, infiltration chambers and a grated overflow. The engineer has concluded that for a twenty-five (25) year storm, the peak rate of runoff would be reduced, and that the project will not adversely impact adjacent or

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downstream properties. The Stamford Engineering Bureau has confirmed the conclusions of the drainage impact statement and design.

To assist in the protection of water quality, the applicant has provided a temporary/proposed erosion control plan, and a drainage/water quality plan that provides for area drains equipped with deep sumps/outlet controls, and an infiltration system to cool and filter runoff prior to discharge.

Mr. Talamelli went on to note that the project engineer provided hydraulic impact and flood storage analyses to confirm compliance with the rise and other impact thresholds established in the flood regulations. The engineer's report established that the proposed construction will not result in any (0.00 feet) increase in water surface elevations during a base flood event. The engineer's report further established that based upon the grading plan and volumetric analysis, the project results in a net increase in flood storage. Again, Engineering Bureau Staff has confirmed the conclusions of the hydraulic/storage impact statement.

The applicant sought to address the structural requirements of Stamford's "Flood Prone Area Regulations" by providing a basketball pole and replacement fence detail along with a written statement from a Connecticut Engineer certifying that the structures' ability to withstand flood forces.

A statement concerning alternatives was provided by the applicant. In that statement, the project engineer noted that the applicant's ability to avoid regulated areas was limited given the extensiveness of the floodplain. Alternative designs were considered, but dismissed given the constraints of the zoning regulations, and the potential impact on the court's basic function. Mr. Talamelli affirmed that during the initial application process, alternatives were accepted by the applicant that resulted in the removal of a proposed shed and use of an alternative construction access/stockpile area to lessen impacts on the resources adjoining the river. Additional information concerning the matter of alternatives was supplied by the project engineer in a letter to the EPB, dated April 27, 2020.

Finally, to mitigate potential development impacts and further the conservation objectives of the regulations, the applicant provided a planting plan consisting of numerous native shrubs to displace lawn along the watercourse and enhance the overall conservation and aesthetic values of the property. The shrub planting supplements evergreen screening recently introduced to the parcel. In addition, an arborist's report was supplied to assess the condition of trees in the development envelope and outline recommendations to protect identified trees of value.

In response to a question by Mr. Kozlowski, Mr. Talamelli confirmed that that the author of the abutter's letter, William Langley, had received notice of this meeting.

Dr. Shemitz stated that she was struck by the level of impact and encroachment into the regulated areas, particularly with an activity that is not "essential" to the function and use of the dwelling and property. She remained concerned by the proposed reductions to the vegetated buffer, the significant increases in site imperviousness, and the extensive engineered response. Finally, she noted that she was not convinced that the applicant adequately examined alternative locations or designs to reduce the encroachments, minimize impacts, or reduce total site imperviousness.

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Ms. Ley was also concerned by the “aggressive” nature of the project, and the adequacy of the response to the discussion of alternatives, particularly as they relate to site imperviousness, encroachment, and impact.

Ms. Tessier stated that she was concerned by the precedent of the project’s scale and the concentration of imperviousness in the flooded space along the Mianus River. She noted that the activities were neither “water dependent” nor “critical” to the function of residential property. The near river location and shallow bank make the drainage structures and other related features susceptible to repetitive overbank flooding and flood damage, with the result being a reduced ability to perform essential mitigating drainage functions. She again stressed the precedent in relation to the incremental and cumulative impacts, and our inability to monitor and tract cumulative wetland buffer and floodplain encroachments limiting our ability to make responsible decisions.

Mr. D’Avanzo then addressed the Board. He asserted that alternatives were examined by the client as part of the review process. Alternative surface treatments, such as permeable pavers, were explored, but were rejected for reasons pertaining to the potential floodplain impact. A sports court composed of pavers necessitates the placement of a relatively thick aggregate base to promote infiltration, but given the restrictive nature of the existing soils, the elevation of the court would need to be raised with the likely outcome that that project would not be able to comply with the flood storage and rise thresholds outlined in the flood regulations. Mr. D’Avanzo went on the state that permeable pavers have additional shortfalls, requiring a demanding schedule of maintenance with specialized equipment to ensure performance - a cost that may be excessive for most individual homeowners. He noted that the homeowner may be open to the idea to the use of pervious pavers in other portions of the property. He further reported that given the location/configuration of the lot and the limitations imposed by Zoning, other locations on the property may be unavailable for the placement of a sports court and related features. Finally, Mr. D’Avanzo noted that further study would be necessary to establish the frequency of flooding in the lower reaches of the property, and the potential impacts storms of varying intensity may have on pertinent elements of this project.

Dr. Shemitz reiterated her belief that project remains out of scale for the property, and will result in long term impacts on regulated areas and resources, and the flood potential of the Mianus River.

Motion/Vote: Upon a motion by Dr. Shemitz, and seconded by Ms. Tessier, the Board voted to **DENY** EPB Permit Application No. 2020-05 based upon the following findings.

- The project, as currently planned, may significantly impact or negatively affect wetlands, watercourses and the flood potential of the Mianus River given the location, scale and nature of the activities proposed.
- The project area may be unsuitable for the uses and activities proposed given the anticipated frequency and intensity of flooding, and the potential negative effects repetitive storms and overbank flooding may have on the performance of the proposed mitigating drainage structures and other related features.
- Alternatives having less of a detrimental impact upon regulated areas may be available to the

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applicant including but not limited to alternative locations on the property, reductions in scale, and the use of alternative surface types to promote infiltration.

In Favor: Stone, Shemitz, Ley, Tessier, and Romas
Opposed: None
Abstaining: None
Not Voting: Kozlowski

#2020-07 – 79 Fawnfield Road – Lot 9 – R. Salvatore for H. Seplowitz: To reconstruct an existing screened porch and to construct a new stoop and small terrace at grade proximate to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River (West Branch). The property lies at the northwest corner of Fawnfield Road, approximately 950 feet from Riverbank Road, and is identified as Lot 9, Account 002-0930, Card S-007, Map 74, Block 394, Zone RA-1, and +1.0131 Acres.

Reference is made to EPB Staff Agenda Summary Report, dated May 7, 2020.

In Attendance: Ryan Salvatore, Ryan Salvatore Designs
Bryan French, D'Andrea Surveying and Engineering, P.C.
S. Seplowitz

Discussion: Ms. Tomaszewski summarized the application for the Board. She reported that the applicant seeks the Board's permission to reconstruct an existing screened in porch and construct a new stoop, terrace and other related features proximate to the identified wetland areas. The property, which lies along the northwest corner of Fawnfield Drive, currently supports a single family dwelling, deck, drive, septic system and other related features. The parcel is characterized by the presence of gently sloping developed lands and small forested wetland. Buffer setbacks of fifty (50) feet are applied to the parcel given its location within the drinking water supply watershed of the Mianus River.

The applicant is expected to demonstrate that impacts to resources, drainage, and water quality are avoided or minimized to the greatest extent possible. A site development plan generated by the applicant demonstrates that the proposed activities shall be confined to developed upland areas and is sufficiently setback to the wetland. Implementation will require little or no grade change and vegetation loss shall be limited to the few small shrubs that line the foundation. Any excavation necessary to establish the proposed porch foundation piers shall be conducted by hand. Approximately 185 square feet of the upland review areas shall be impacted. An erosion control plan has been developed to define the workspace and limit potential water quality impacts during the construction phase. A statement has been provided by the project engineer confirming the absence of drainage impact given the minimal increase in site coverage and imperviousness. The Stamford Engineering Bureau has endorsed the proposal.

Ms. Tessier questioned the location of the temporary stockpile/storage areas reflected on the plan. Ryan Salvatore stated that the stockpile area can be relocated to an alternative location that is further removed from the wetland. He further noted that that in all likelihood, the stockpile area will not be

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used at all.

Mr. Salvatore went on to acknowledge the prior receipt of the Agenda Summary Report, and offered no objection to the findings or conditions stated therein.

Motion/Vote: Upon a motion by Ms. Tessier, and seconded by Ms. Ley, the Board voted to **APPROVE** EPB Permit Application No. 2020-07 with the conditions outlined in the EPB Agenda Summary Report, dated May 7, 2020, modified to relocate the proposed stockpile areas further from regulated areas.

In Favor: Stone, Shemitz, Ley, Tessier, and Romas
Opposed: None
Abstaining: None
Not Voting: Kozlowski

#2020-09 – 0 Mianus Road – Lot 4 – S. and K. Studwell: To install a pool security fence and related features proximate to wetlands, watercourses and special flood hazard areas situated in the drinking water supply watershed of the Mianus River. This property is segmented by the municipal boundary (Greenwich/Stamford). Primary elements of the property lie within the Town of Greenwich at 510 Valley Road, Greenwich, CT 06807. The Stamford property lies along the north side of Mianus Road, approximately 1,170 feet southwest of Westover Road, and is identified as 0 Mianus Road, Lot 4, Account 002-1095, Card N-007Z, Map 107 Block 373, Zone RA-1, and +0.2617 Acres.

Reference is made to EPB Staff Agenda Summary Report, dated May 8, 2020.

In Attendance: Bryan French, P.E., D'Andrea Surveying and Engineering, P.C.

Discussion: Ms. Tomaszewski summarized the application for the Board. She noted that the Agenda Summary Report was authored by Pam Fausty, Environmental Analyst. Ms. Tomaszewski reported that the applicant seeks the Board's permission to install portion of a pool security fence and other related features proximate to the site's wetlands, watercourses and special flood hazard areas. The property is segmented by the municipal boundary that defines the Town of Greenwich and the City of Stamford. A vast majority of the site's improvements, including the single family dwelling, portions of an asphalt drive, walkways, well and sanitary sewer are located in the Town of Greenwich. The Stamford property includes portions of an asphalt drive. Wetlands and small pond occupy the western portions of the site. A one hundred (100) foot reach of the Mianus River, narrow wetland fringe, and special flood hazard areas encumber the eastern portions of the property.

The applicant proposes to construct an in-ground pool, patio, drainage, fence and related features on the Greenwich property. The project is currently the subject of a permit application by the Greenwich Inland Wetlands and Watercourses Agency. A portion of the security fence crosses the municipal boundary into regulated areas situated within the City of Stamford, therefore triggering the necessity of this permit application with the EPB.

Ms. Tomaszewski reported that the potential impacts are "minimal" with the fence is confined to

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lawned upland space outside of the special flood hazard areas and approximately 70-80 feet from the wetlands and watercourses. There are no expected tree impacts or grade changes proposed. Approximately 120 square feet of the upland review area is affected by the fence installation in Stamford. It was noted that an erosion control plan has been developed to minimize the potential for water quality impacts during the construction phase.

Extensive discussion ensued between Dr. Shemitz, Ms. Tessier and Mr. French concerning the proposed location of the fence and the availability of an alternative layouts that both reduce the encroachments into the regulated areas and better protect critical root zones of large trees. Mr. French stated that the fence was located to align with the face of the building and accommodate existing doors and walkways. He asserted that the fence proposal was already reduced from its original design, and that its placement, as proposed, would not result in any significant site disturbance or resource impacts.

Motion/Vote: Upon a motion by Dr. Shemitz, and seconded by Ms. Ley, the Board voted to **APPROVE** EPB Permit Application No. 2020-09 with the conditions outlined in the EPB Agenda Summary Report, dated May 8, 2020, modified to relocate the fence to approximately the eighty-one (81) foot contour subject to EPB Staff approval.

In Favor: Stone, Shemitz, Ley, Tessier, and Romas
Opposed: None
Abstaining: None
Not Voting: Kozlowski

#2020-11 – 8 Rock Rimmon Drive – Lot 1 - A. Menon and A. Menon: To reconstruct and expand a wood deck and related features proximate to wetlands and watercourses situated in the non-drinking water supply of Haviland Brook. The property lies along the south side of Rock Rimmon Drive, just west of Rock Rimmon Road, and is identified as Lot 1, Account 001-6310, Card W-001, Block 391, Map 34, Zone RA-1 and +43,583 square feet.

Reference is made to an EPB Staff Agenda Summary Report, dated May 8, 2020.

In Attendance: None.

Discussion: Mr. Talamelli summarized the application for the Board. He stated that the applicant seeks the Board's permission to relocate, reconstruct and expand a wood deck and install related features within close proximity to the site's wetlands and watercourses.

He reported that the property, which lies along the south side of Rock Rimmon Drive, currently supports a single family dwelling, deck, drive, walkways, subsurface sewage disposal system and other related facilities. The property is characterized by gently sloping, developed uplands to the north and, and forested wetlands, a small open marsh, and watercourse to the south and west.

The proposed activities, which are confined to the southwest plane of the dwelling (rear), will expand the deck by approximately 88 square feet. It is the applicant's intent to utilize several of the existing

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footings to support the new structure. Excavation and site disturbance shall be limited to that required to install any necessary additional footings. The space affected by the development currently supports lawn grass, flagstone patio and/or a concrete pad. No significant individual or groups of trees shall be lost as a result of the development. Portions of the existing septic and walkway currently lie between the proposed deck and wetland. Approximately twenty-nine (29) square feet of the upland review area shall be impacted by the development. There are no direct wetland/watercourse encroachments proposed. Setbacks of no less than twenty-one (21) feet to the wetland have been maintained. Drainage impacts are not expected given the de minimus increase in impervious coverage. Mr. Talamelli confirmed that the Stamford Engineering Bureau has offered no objection to the project as proposed. Sediment and erosion controls shall be utilized to define development boundaries and limit potential impacts during the construction phase. Control measures include a perimeter silt fence, four (4) inch layer of crushed stone below the deck/exterior stair, and final stabilization measure applied to any remaining areas of disturbance. Mr. Talamelli concluded that any approval granted by the Board should be conditioned upon the applicant's commitment to remove minor accumulations of natural wood debris along portions of the brook, and to provide a basic planting plan to displace minor lawn encroachments lawn and restore/enhance select portions of the wetland/buffer.

Motion/Vote: Upon a motion by Ms. Tessier, and seconded by Ms. Ley, the Board voted to **APPROVE** EPB Permit Application No. 2020-11 with the conditions outlined in the EPB Staff Agenda Summary Report, dated May 8, 2020.

In Favor: Stone, Shemitz, Ley, Tessier, and Romas
Opposed: None
Abstaining: None
Not Voting: Kozlowski

Site Plan Reviews: None

Subdivision Reviews: None

Enforcement – Status Reports & Show Cause Hearings: None

Other Business: None

ADJOURN:

Adjourn the Regular Meeting of May 14, 2020:

Motion/Vote: There being no further business, and upon a motion by Mr. Romas, and seconded by Ms. Tessier, the Board voted to **ADJOURN** the Regular Meeting of May 14, 2020.

In Favor: Stone, Shemitz, Ley, Tessier, and Romas
Opposed: None
Abstaining: None
Not Voting: Kozlowski

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Meeting adjourned at 8:51 PM.

Gary H. Stone, Chairman
Environmental Protection Board

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V5 6/11/2020 (ATB)
V6 6/23/2020 (TC/W)